

1873-1874

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Vol. 1

1873-1874

Library of the University of California  
San Francisco, California

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San Francisco, California

To the Honorable Henry J. Morgan Judge  
of the County Court of Lee County;

The Bill of Complaint of William J. Hutton Administrator of the estate of Edward Calliham deceased humbly Complaining respectfully represents that Edward Calliham deed. His decedent died some time about the Year 1864 in Camp Douglas leaving no personal property known to Your Orator but he owned at the time of his death an interest in the 300 acre tract formerly owned by Ezekiel Calliham deceased he the said Edward Calliham deceased being a son and heir of the said Ezekiel Calliham deed. His interest being the one undivided sixth part of the said 300 acre tract which is subject to the Dower of the Widow, <sup>or life estate as claimed by the widow</sup> of the said Ezekiel Calliham deceased and the said Undivided one sixth part thereof being subject to the dower interest of the ~~said widow of~~ ~~the claim of a life estate of the widow of the~~ said Edward Calliham deceased who afterwards intermarried with one Gabriel Jackson and lives in the State of Kentucky. The said Edward Calliham deceased died without any children. Your orator alleges that he was appointed Administrator at the Term of the County Court of Lee County in the Year 1870 but he is unable to find any personal assets of his decedent with which to discharge the debts of the estate which debts will not amount to less than the sum of \$100.00 which would be about the value of his interest in the land in its present encumbered condition with Dowers & the claims of Mary Calliham as life owner of the same



interest in the  
Your Orator alleges that the land beforementioned  
will have to be subjected to the payment of  
the debts due by and from the decedents estate.

Now the object of this Bill is to subject the  
decedents interest in the 300 acre tract aforesaid  
or so much thereof as may be necessary to the  
payment of the decedents debts.

Your orator being without an adequate rem-  
edy at law and relievable only in a Court of Equ-  
ity his prayer therefore is that Andrew Calliham  
John Calliham John Speak and Susan Speak his  
wife and the Creditors of Edward Calliham decd.  
Rachel Speak William Hutton and Sarah M. Hutton  
his wife Stephen Matlock and Jane Matlock his wife  
and Waman Wyreck Ellen Wyreck & Ezekiel Wyreck  
infant heirs of Eliza Wyreck decd and the  
Said William Hutton as Guardian of the Said  
Waman Ellen & Ezekiel Wyreck be all made the  
partys defendant to this Bill and that they be  
Summoned to answer the Same upon their oaths  
And that a Guardian ad litem be appointed  
to appear answer and defend in this Cause for  
the Said minors to wit, Waman Wyreck, Ellen  
Wyreck and Ezekiel Wyreck and that upon  
a hearing of this Cause a Commissioner be ap-  
pointed to take State and settle an account  
in this Cause and to ascertain the value <sup>and quantity</sup> of  
the decedents interest in the land and the an-  
nual rental value of the Same and to con-

-vene the Creditors of the estate of Decedent and  
ascertain the amount of outstanding debts a-  
gainst the Same and if necessary to subject  
the interest in the Same to the decedents debts  
And such other further and General relief  
be extended to Your Orator as may be  
Consistent with equity and Justice and best  
suited to his case. May the Commonwealths writ  
of Spa. issue directed &c. Miller for Compl't.



30  
 22.  
 52-  
 4.31  
 56.01  
 54.21  
 10.00  
 64.21

54.21  
 5.00  
 59.21

William Hutton admr.<sup>W.</sup>  
 vs. Bill in Chy,  
 Andrew Calliharn  
 & others

To The Honorable Henry  
of the County Court of Lee Co.

The Bill of Complaint of William  
Administrator of the estate of Edward Callihann  
who sues for the benefit of the Creditors  
Edward Callihann deceased humbly Com  
would respectfully represent that he re-  
-pointed Administrator of Said estate on the  
of 18 and has learned that the  
personal assets is wholly insufficient to pay  
decedents debts but the decedent left an  
interest in some real estate in this County  
which is liable to his debts &c.



Levts.

B \$9.00

A 15.00

S 4.00

Gashten 5.00

Courts 13.40

\$46.40

Estimated cash p. 100

Wm. Hutton Admstr &

vs. Bill in Chy

John V. Andrew  
Callahan & others

1871. Feb Bill filed, & Spa Ecco &  
Decree nisi.

" March Term. No answer & decree

" April, no answer for the ring. by P. 11.

" April Term. Decree & contd.

" May, June & July continued;

" Aug. contd. Sept. Decree & contd.

" Oct. contd. & Nov. contd.

" Dec. Term. Decree & contd.

1872. Jan. 1st, by answer for April contd.

" May, June, July & Aug. contd.

" Sept. Oct. & Nov. contd.

" Dec. Term. Decree & contd.

1873. Jan. Term. Decree & contd.

C. 14.51

A. 15.00

S. 4.00

C. A. L. 5.00

Courts 13.40

Courts for Dec. 2.30

\$54.21



To Hon. Henry J. Morgan, Judge of the County Court of Le  
County, in Chancery sitting :-

The joint answer of Heman Wyreck, Ellen Wyreck, and Elizabeth  
Wyreck - infant heirs of Oliver Wyreck dec'd. by John B. West,  
their Guardian ad litem, to a Bill filed in this Court against  
said infants and others by William J. Stutton - administrator  
of the estate of Edward Bullheim dec'd. respecting costs,  
That your respondent now and at all times hereafter, re-  
ceives to himself the benefit of all proper and legal exceptions  
to said Bill which would in anywise prejudice the interest  
of his wards at law; and for further answer thereto saith, that  
he neither admits nor denies the allegations of Complainant herein  
but prays that your Honor will guard the interest of the  
infants in any and everything that relates to their rights in  
the premises, requiring of Complainant strict proof of all  
doubtful matters and statements bearing upon their rights,  
and extend to them that protection and peculiar guardianship  
which have ever been granted by Courts of Equity. And  
having answered as fully as is deemed necessary, or  
material, your respondent prays hence to be dismissed  
of costs.

John B. West, Guardian ad litem

Given to before us this 20th day of April 1871.

James N. Orr, Clerk in chief



Wagoner, Wyreck & others  
- infants.

ado. { Answer of Guardian  
      { ad litem.

William J. Sutton.  
1871 April term. Filed



Mrs. J. Hutton administrator &c. Plff. }  
Against } Decree final  
John and Andrew Calliham & others Defts }

This cause came on this day again to be heard upon the papers formerly read in the cause and the report and deed accompanying the same of David Miller Commissioner who was appointed by a former decree of this Court to make a conveyance of said land to John Speak the purchaser or such person as he may direct and was argued by Counsel and it appearing to the Court that said report and deed had been filed in the Clerks office in this cause for more than ten days before this term of the Court and no exceptions having been filed thereto It is adjudged ordered and decreed that said report and deed be and are hereby confirmed and the said David Miller is hereby directed to acknowledge the said deed and deliver the same for record. And John Speak the purchaser is hereby ordered and directed to pay the balance of the costs of the suit to David Miller the Commissioner and nothing further appearing necessary in this cause the same is ordered to be stricken from the docket.



Wm. J. Hutton admr. &c.

vs. Decree final

John & Andrew Callahan  
& others

Entered order Book page  
194 + 195

James W. Orr, Clerk.

Enter this Decree  
H. Morgan  
Jan 21st 1873



Mrs. J. Hutton admr. &c.

against

Andrew Calliham & others

} Decree in Chy

This Cause came on this day further to be heard upon the papers formerly read in the Cause and the report of Sale by Commissioner David Miller filed in the Cause March 15<sup>th</sup> 1872 and was argued by Counsel, and the said report being unaccepted to is confirmed and it further appearing that John Speak became the purchaser of the land in the bill mentioned at the price of two hundred dollars out of which now he paid the costs of this suit amounting to about \$52.00 leaving \$148.00 yet due on said sale and it further appearing that all the claims reported against said estate by Commissioner Field are due said John Speak and that they amount in the aggregate to more than \$148.00 It is therefore adjudged ordered and decreed that inasmuch as the said claims are due to the said John Speak and he being the purchaser of said land that David Miller be and is hereby appointed a special Commissioner for the purpose who is directed to convey ~~say~~ to said Speak or such person as he may direct with covenants of special warranty the incursionary interest of Edward Calliham decd in the lands in the bill mentioned and he will report his action to the Court at the next term and the cause is continued



Wm J. Hutton admr.

vs. Z. Deane

---

Andrew E. Baillet-Latour

---

Ex. and Order, 15th, 1872.

James H. Orr, Jr.

Enter this Deed  
H. J. Morgan  
Dec. 17th 1872



Wm. J. Hutton admr. &c.

Plff.

against

John & Andrew Alleham & others Defts. } Decree against J. W. Bailey's claim

This Cause this day Came on again to be heard upon the papers formerly read in the Cause and the supplemental report of Comr. Samuel Field and the additional evidence of witnesses and was argued by Counsel and the said report having been filed in this Cause the time required by law and no exceptions having been filed thereto the same is hereby confirmed and from all the evidence filed in this Cause it appears to the Court that said judgments claimed by John W. Bailey are fully paid and are therefore disallowed and David Miller a Comr. appointed by a former decree in this Cause entered at <sup>Tenn</sup> September, 1891, is directed to sell the land in the bill mentioned in pursuance of said decree and the Cause is continued



Wm. Hutton admr VC,  
vs. } Decree against  
J. W. Baileys Claimes  
John & Andrew Calliham  
& others

Entered O.B. p 455-6  
J.B. West, D. Clk.

Entered this Decree -  
H. J. Morgan  
Dec. 20. 1871



William J. Hutton administrator  
 of Edward Calliham Deceased Complt  
 against  
 John Calliham and others Cal  
 Defts } Decree  
 in Chy.

This Cause came on again to be heard upon the papers formerly read in the Cause and the report of Samuel Field Special Commissioner appointed by a former decree of this Court to take an account in this Cause and was argued by Counsel and it appearing to the Court that the said account and report have been filed a sufficient length of time and no exceptions having been filed thereto the same are hereby confirmed, On consideration of which it is ordered adjudged and decreed that the following claims stated in the Creditors account filed by Samuel Field Commissioner with his report be and are hereby allowed and confirmed to wit: The claim of Susan Calliham for \$39.80 principal and \$24.42 interest, and the claim of H. Baylor & Brothers for \$25.25 principal and \$15.54 interest, and the claim of Susan Calliham on a note of Edward Calliham to Silas Wolf for \$18.00 principal and \$7.92 interest:

But the claims of the judgments of Edward Snodgrass for \$5.53 principal and \$1.10 costs and \$3.39 interest and the claim of the judgment of Lane & Richmond for \$12.46 principal and \$1.10 costs and \$2.93 interest being claimed by John W. Bailey and his claim thereto being disputed the said claims are recommended to Samuel Field



The Commissioner who made the report in this  
 Cause for further proof as to his right to said  
 judgments and whether or not the said judgments  
 have been paid and it further appearing to  
 the Court that there are no personal assets of  
 Decedent Edward Callihams estate with which  
 to pay the debts It is further adjudged ordered  
 and decreed that David Miller be and is hereby  
 appointed a Special Commissioner whose duty  
 it shall be to sell the <sup>necessary interests of the</sup> real estate of Edward Cal-  
 liham deceased <sup>in the big mansion</sup> or so much thereof as may be  
 necessary to pay the debts of the estate and the  
 costs of this suit & expenses of sales at public  
 outcry to the highest bidder for cash sufficient  
 to pay the costs of this suit and expenses of sales  
 and the residue to be paid in three annual pay-  
 ments with interest from date for which the said  
 David Miller will take bonds of the purchaser -  
 with good security waiving the homestead but  
 before making said sales he shall advertise the  
 time place and terms of sale for four weeks  
 at the front door of the Courthouse and at  
 two or more public places in the County, and  
 the Cause is continued till next term.

Approved of the return  
 of W. Callihams and

27. Decree for sale

John & Andrew  
 Callihams & others

entered 07th page  
 370 + 371.

J. B. Westwell

Entered the decree  
 H. H. Morgan  
 Jan 19 - 1871



William Hutton Admr. & C. Complainant }  
against } Deere  
John and Andrew Calliham & others Defts } in Chy

This Cause Came on to be heard upon the bill filed in this Cause and on motion of Complainant ~~Andrew~~ John B. West was appointed Guardian ad litem for Waman Myreck Ellen Myreck and Ezekiel Myreck The infant defendants who asked leave to file his answer which being granted his answer was accordingly filed and thereupon this ~~Suit~~ <sup>Cause</sup> Came on to be heard upon the bill of Complaint and answer of John B. West Guardian ad litem and was argued by Counsel and it appearing to the Court that process had been duly served on John Calliham Andrew Calliham John Speak and Susan Speak and had been returned duly executed on them at February Rules 1871 and it further appearing that William J. Hutton Sarah M. Hutton William J. Hutton Guardian for Waman, Ellen and Ezekiel Myreck and the Said Waman Ellen and Ezekiel Myreck by William J. Hutton their Guardian on the 7th day of April 1871 accepted the service of a summons and waived the proceedings at rules in this Cause and this Cause was therefore set for hearing as to them all ~~except~~ the Defendants except Stephen Matlock and Jane Matlock, <sup>& Rachel Speak</sup> and the Said John Calliham Andrew Calliham John Speak and Susan Speak his wife William J. Hutton and Sarah M. Hutton his wife & William J. Hutton Guardian for Waman Ellen and Ezekiel Myreck having failed to



appear and answer the Complainants bill  
it is therefore taken for Confessed as to them  
On Consideration of which it is adjudged or-  
dered and decreed That Samuel Field be and  
is hereby appointed a Special Commissioner  
whose duty it shall be to take State and settle  
the administration account of William J. Hutton  
Administrator of the estate of Edward Callahan  
deceased to convene the Creditors and ascertain  
the outstanding debts against decedents estate  
and marshall <sup>the</sup> assets of said estate and to ascertain  
if decedents real estate will have to be subjected  
to the payment of the debts and if so whether  
or not the rents and profits of the decedents  
real estate will pay the debts in five years,

Wm. Hutton

3 Dec

John W. Hutton

sterilis Dec  
H. Hutton  
1871



Virginia

It a County Court begun & held for Lee County, at the Court House thereof, on Monday, the 18th day of Sept. 1871.

William J. Hutton, admr. of Edward Caliham dec'd Compt

against

John Caliham, Andrew Caliham & others

Defts

In Chancery

xxxxx On consideration of which, it is ordered, adjudged, and decreed that the following claims stated in the creditors' account filed by Samuel Field Commissioner, with his report, be and hereby allowed and confirmed, to wit: The claim of Susan Caliham for \$39.50 principal + \$24.42 interest, and the claim of "H. Baylor & Bros" for \$25.25 principal and \$15.54 interest, and the claim of Susan Caliham on a note of Edward Caliham to Silas Wolff for \$18.52 principal, and \$7.92 interest. But the claims of the judgments of Edward Snodgrass for \$5.53 principal and \$1.10 costs, and \$3.34 interest, and the claim of the judgment of "Lane & Richmond" for \$12.46 principal and \$1.10 costs, and \$7.93 interest being claimed by John W. Bailey, and his claim thereto being disputed, the said claims are re-committed to Samuel Field, the Commissioner who made the report in this cause, for further proof as to his right to said judgments, and whether or not the said judgments have been paid. and it further appearing to the Court that there are no personal assets of decedent Edward Caliham's estate with which to pay the debts, It is further adjudged, ordered, and decreed that David Miller be and is hereby appointed a Special Commissioner, whose duty it shall be to sell the reversionary interest of the real estate of Edward Caliham deceased in the Bill mentioned or so much thereof as may be necessary to pay the debts of the estate, & the costs of this suit & expenses of sale, at public outcry, to the highest bidder for cash sufficient to pay the costs of this suit and expenses of sale, and the residue to be paid in three annual payments with interest from date, for which the said David Miller

will take bonds of the purchaser, with good security, waiving  
the Homestead, but before making said sale, he shall advertise  
the time, place, and terms of sale for four weeks at the front door of the  
Court House and at two or more public places in the County, and  
the cause is continued till the next term.

Teste - John B. West, D. C. Clk;

John B. West, D. C. Clk;

John B. West, D. C. Clk;

John B. West, D. C. Clk;



Virginia.

It a County Court begun & held for Lee County, at the  
Court House thereof, on Monday, the 18th day of Sept. 1871.  
William J. Hutton, Adm<sup>r</sup> of Edward Caliham dec'd. Compt<sup>r</sup>  
against,  
John Caliham; Andrew Caliham & others - - - - - Defts. } In Chancery.

xxxxxx On consideration of which, it is ordered, adjudged, and decreed that  
the following claims stated in the creditor's account filed by Samuel  
Field, Commissioner, with his report, be and hereby allowed and confirm  
ed, to wit: The claim of Susan Caliham for \$39.50 principal + \$24.42  
interest, and the claim of "H. Baylor & Bros" for \$25.25 principal  
and \$15.54 interest, and the claim of Susan Caliham on a note of  
Edward Caliham to Silas Wolf for \$10.<sup>00</sup> principal and \$7.92 inter  
est. But the claims of the judgments of Edward Snodgrass for  
\$5.53 principal and \$1.10 costs; and \$3.39 interest, and the claim of  
to judgment of "Lane & Richmond" for \$12.46 principal and \$1.10 costs,  
and \$7.93 interest being claimed by John W. Bailey, and his claim  
thereto being disputed, the said claims are re-committed to Samuel  
Field, the Commissioner who made the Report in this cause for further  
pro. of as to <sup>his</sup> right to said judgments, and whether or not the  
said judgments have been paid xxxxxxxx

Teste - John B. West, D. clk.  
A copy - Teste - John B. West, D. clk.

11<sup>m</sup> J. Hutton, adm. &c.

vs. { Copy of Decree of Court

John Calhoun & others.

For Samuel Field.  
Commissioner."



Virginia

At the Court continued and held for Lee County, at the Court House thereof, on Tuesday, the 18th day of April 1871.

William Hutton, admr. of the estate of Edward Calliham dec'd Plff  
against  
John & Andrew Calliham & others - - - - - Defts. } In Chy.

xxxxxx On consideration of which, it is adjudged, ordered; and decreed that Samuel Field be and is hereby appointed a Special Commissioner, whose duty it shall be to take, State, and settle the administration account of William J. Hutton - administrator of the estate, of Edward Calliham deceased, to convene the creditors, and ascertain the outstanding debts against decedent's estate, and marshal the assets of said estate, and to ascertain if decedent's real estate will have to be subjected to the payment of the debts, and if so, whether or not the rents and profits of the decedent's real estate will pay 'd debts in five years.

A copy -

Teste - John B. West. D. Clk.

683

256

793





Special Commissioner, Land & Survey Co. &c.  
William L. Butler Edward  
Edward Calliham deceased

18

John Andrew Calliham Esq. (S. J. Hanning)  
The deposition of Elisha Smith and others taken  
before James H. Field a Special Commissioner at his  
office in the Town of Norwich on the 27<sup>th</sup> day of August  
1891 in this case, and according to the usual and  
custom, as to rental value of the land in the following

Elisha Smith a witness of lawful age after being  
duly sworn according to law Says that he is tolerably  
well acquainted with the lands lately owned by Ezekiel  
Calliham deceased of which the Decedent Edward  
Calliham inherited a part and from his knowledge  
of said lands his judgment is that \$25. or \$30. per  
Year for the home tract occupied by the widow  
would be a fair rent for the same and for  
the 100 acre tract his judgment is that \$30. or \$35.  
per Year would be a fair rent for the same  
but each tract might rent for more or they might  
rent for less. And further this deponent Says  
not.

Elisha Smith

Deposition of  
Clara Smith  
11

Ex (LR)



John Sumner, His Excellency,  
 William Miller, Esq.,  
 against, " " " " " " " " " " " "  
 Andrew Callahan and others.

The deposition of Marvin, Peckham, and  
other taken before me during the trial, being  
in Chambers in the above named case, pursuant to  
a subpoena hereto annexed and subscribed to the in-  
tellectable decree of the County Court of Essex County,  
rendered Sept. 18, 1871 to be read as evidence in behalf  
of William Cutting, Administrator of the Estate of  
said John, and Andrew Callahan, and his widow  
Elizabeth Smith, a witness in the above case, after  
having duly sworn, according to law deposited and  
subscribed.

1st Question, State, whether or not, the said judgment  
have been paid;

1st Answer, I took John W. Baileys two notes to satisfy the judgment in lieu of the money being upon by me in the person of Sabina Jackson;

When I went to John W. Bailey I told him I had a key on the mule and I would have to take it; John W. Bailey then said if I would not take the mule he would execute his note for the Edward Snodgrass Judgment, principal, interest and costs which as near as I can recollect was some six dollars the cents I do not remember. At the same time John W. Bailey executed his

his note for the Lane & Richmond judgments -  
principal interest and cost.

2<sup>d</sup> Question Did John W. Bailey voluntarily give  
his two notes to satisfy the two judgments or not?

2<sup>d</sup> Answer He voluntarily gave his two notes as hereto  
fore stated,

3. Question Did you not make a levy of said Corres  
ponds of February 20<sup>th</sup> 1861 in possession of Sabie Jackson  
also a levy of sixteen head of hogs and two yearling  
calves, of April 1<sup>st</sup> 1861.

3 Answer I did.

4<sup>th</sup> Question How did John W. Bailey come into  
possession of said Corres ponds?

4<sup>th</sup> Answer I do not know.

5<sup>th</sup> Question, What did you do with the Lane & Rich-  
mond judgments, John W. Bailey's notes which you took for  
5 Answer the Lane & Richmond judgments.

5 Answer. I took the notes to Martin L. Richmond  
who took the same and delivered to me my Constable  
receipts for the same.

6<sup>th</sup> Question, What did you do with the John W. Bailey  
notes which you took for the Snodgrass judgments?

6 Answer, I placed John W. Bailey's notes into the  
hands of James Miles Constable by order of Edward  
Snodgrass.

7<sup>th</sup> Question, Did the two notes of John W. Bailey satisfy  
the two judgments so far as your duty was as a collecting  
officer?

7<sup>th</sup> Answer They did,

Charles Smith

I Samuel Field a Special Commissioner do hereby certify  
that the foregoing deposition was duly taken sworn to and subscribed



before me at the place mentioned therein  
Christa Smith  
1871. 1871  
I am under my hand this 30<sup>th</sup> day of October  
James. Fieldy Special Com.  
There being no further witness present, the taking of the  
deposition is continued until the 17<sup>th</sup> of November 1871  
Egberta Anderson,  
for services of summa 40¢

The deposition of James. Fieldy agreeably to postponement  
on the 17<sup>th</sup> day of November 1871 after being duly sworn  
according to law deposes and says that

1<sup>st</sup> Question Do you have any recollection of a Note of Loten. W.  
Bailey being placed in your hands for collection by  
Charles Smith Constantly in reference to the Broadway Judge  
1 Answer I have.

2<sup>nd</sup> Question Was the said Note paid by Loten. W. Bailey  
2 Answer It was.

3<sup>rd</sup> Question Where the Do you have any recollection of the date  
of said Note against Loten. W. Bailey and the  
amount.

3 Answer I do not recollect but so far as my recollection  
is the amount was or is about \$10.00 the date I  
do not recollect of said note

4<sup>th</sup> Question To whom did you pay the said debt to

4 Answer To Charles H. Cook.

5<sup>th</sup> Question On what order did you pay the same.

5 Answer By order of Christa Smith by means of an  
assignment which I had in my hands against  
Christa Smith.

And then the defendant says the note

The deposition of <sup>Garrison & Bailey</sup> ~~Marion S. Richmond~~ after  
being duly sworn deposes and says ~~that~~

1st Question Have you any recollection of a note of  
John W. Bailey delivered to you by Elsie  
Smith the Constable given for the Lane & Richmond Jug

1st Answer I hold such a note.

2d Question Has the said note ever been paid

2. Answer No

3 Question Have you the date of said note and the  
amount.

3 Answer The date of said note July 12<sup>th</sup> 1861 am<sup>t</sup>  
\$24.20 of & cluing of interest,

And then the defendant says the note

M. S. Richmond

I James Field a Special Commissioner in  
the above cited case do hereby certify that the above  
depositions of James Miles and Marion S. Richmond  
was duly taken and sworn to, before me at the  
time and place herebefore mentioned.

7<sup>th</sup> November 1871

Given under my hand this 7<sup>th</sup> day of  
November 1871

James Field Special  
Commissioner





1871		Interest Paid	
July 1	To this sum of principle but for		\$7.38
"	" " this sum of interest but for		\$7.35
"	"		
"	" To this sum due James Dickson & wife		
"	" " Lachance Edward Callahan, Judgment		
"	" " at Law for \$24.02 the sum of this bond		
"	" " but to be discharged by the payment of		
Ex (C)	\$12.46, with interest from Nov 22 <sup>nd</sup> 1860		
"	" till paid the cost, time 60 <sup>th</sup> Oct 50 <sup>th</sup>		
"	" sum of principle due Nov 22 <sup>nd</sup> 1860		12.46
"	" Cost		1.10
"	" Interest on \$12.46 from Nov 22 <sup>nd</sup> 1860 to		
"	" July 1 <sup>st</sup> 1871		\$7.93
"	"		
"	" To this sum due Susan Callahan		
"	" " at Law of Edward Callahan to Silas		
Ex (C)	Welf bearing date March 10 <sup>th</sup> 1864 for		18.00
"	" " interest on same from March 10 <sup>th</sup> 1864		
"	" to July 3 <sup>rd</sup> 1871		
		\$7.92	
	To this sum of principle due July 3 <sup>rd</sup> 1871		\$102.74
	To this sum of interest due " " "		\$59.20



Wm L. Hutton Admin  
of Edward Callahan decd  
L. J. of  
With the Creditors of said  
Estate.

---

ex (A)

Comm. for \$29.00 =

Report

Special Commissioner of the Les Co 15  
William Austin Admin of the  
estate of Edward Callahan dec'd. Jeff

15  
John & Andrew Callahan & other Sifts } L. C. (Haney

Or the Honorable Perry. L. Morgan, Judge  
of the County Court of Les County in Chancery sitting

Pursuant to a decree rendered at a County  
Court on Tuesday the 18<sup>th</sup> day of April 1871 in the  
above named case as Special Commissioner therein  
and on the 1<sup>st</sup> day of June 1871 I posted a notice  
on the Court House door of said County to carry  
out the principles of said decree, and on the 3<sup>d</sup>  
day of July 1871 I proceeded to date, settle and  
adjust the same, and among other things it was  
decided, that the said Commissioner should take  
date, and settle the administration account of  
William L. Puttin administrator of the estate  
of Edward Callahan dec'd. upon examination I  
found, that there was no personal property left, by  
said decedent, therefore there was no administration  
account to file or state in the above decree, which  
closes the first principle of said decree.

The next in order was to examine the credits  
and ascertain the outstanding debts against —  
decedent's estate, and marshal the assets against  
said estate, by reference to the Creditors accounts  
herein filed marked (A), the following claim  
was laid before me in one account due Sarah  
Callahan bearing date from 1861 to January  
1862 for \$39.50, and interest thereon amounting  
to \$24.42, to this on and due H. Baylor & Brother in  
note for \$25.25 & bearing date 18<sup>th</sup> day of March 1861



and interest thereon to July 3<sup>rd</sup> 1871 amounting to  
\$13,544 to this sum due Edward Snodgrass on a  
judgment at law against Gabriel Jackson and  
Edward Callahan for the sum of \$5.53 balance  
due costs \$1.10 and interest due thereon to July  
3<sup>rd</sup> 1871 amounting to \$3.39, the sum due Lane  
& Richman is Gabriel Jackson & Edward Callahan  
Judgment at law for sum of principal due of  
\$126.46 and \$1.10 cents and interest thereon to  
July 3<sup>rd</sup> 1871 amounting to \$7.93 making (B) &  
(D), the above two debts now claimed by J. W.  
Bailew, and was accepted to by the administrator  
I therefore summoned Elijah Smith and J. W.  
Bailew before me to ascertain the facts in relation  
thereto the evidence is here with filed with the  
original return of Elijah Smith. Constantly the  
debts can deced to whom the money should  
paid. To this sum due Susan Callahan in note  
of Edward Callahan to Silas Wolf bearing date  
March 1<sup>st</sup> 1864 for \$1000, and interest thereon  
to July 3<sup>rd</sup> 1871 amounting to \$7.92 - total sum  
I claim \$402.94 principal and \$59.20 interest  
this closes the second principle of said decree.  
The next principle of said decree was, whether or  
not the rents and profits of the decedent's real estate  
might pay the debt in five years, to ascertain that  
fact, I took the deposition of Elijah Smith  
marked (B) reference thereto had with more  
fully appear, your Honor is also referred to the  
second and remarks thereon.

By Decd dated Sep 26<sup>th</sup> 1849, and admitted to  
record on the 2<sup>nd</sup> of January 1851 Ezekias Callahan  
Sr decd. conveyed to Mary Callahan his wife the  
tract of land on which she now lives, it being

the 300 acre tract during her life, and then it falls  
to his son Andrew Callahan - Edward (the decedent)  
Parker, Ezekias Sr John & Mary, and by said decd  
the said Edward the decedent is not entitled to the  
one sixth part of said tract after the said Mary  
Callahan's death, and she is still living and  
the widow of the decedent is still living and is  
entitled to dower in the said sixth part, at the  
death of Mary Callahan, so that no rent can  
be drawn, until the said Mary Callahan dies  
and then if her widow is still living only two  
thirds of the rent of the one sixth part can be received  
the rental value of the whole tract at \$2500 or \$30.  
per year would be a very trifling in fact, your Honor  
will perceive that the rent of the whole tract free  
from all incumbrances will not in five years pay  
the debt interest & costs against the estate, which  
closes the last principle of said decree,  
(C) of which is respectfully submitted

Samuel Smith Special  
Commissioner

Report with Credits  
Account from J. H. Hutton adm  
of Edward Callahan, dec'd

John & Andrew Callahan  
et al—

---

Filed August 17th 1871.

James H. Orr, Clerk.

See Bill, dia \$9.00.



To the Honorable Henry. L. Morgan Judge of the  
County Court of Lee County in Chambers sitting.

Report,

William. L. Buddin Adm<sup>r</sup> of Edward Callahan dec'd. }  
against- }  
John Callahan, Andrew Callahan & others }  
Sept 1871

Pursuant to an interlocutory decree rendered  
on Monday the 18<sup>th</sup> day of Sept. 1871 of the Court of Lee in  
the above <sup>cause</sup> ~~cause~~ <sup>matter</sup> ~~matter~~ proceeded to examine the parties  
interested in reference to proof as to John M. Bailey's right  
to said Judgments in the bill mentioned, and whether  
or not the said Judgments have been paid.

On the 30<sup>th</sup> day of October 1871 I proceeded to take the  
depositions of Eliza Smith, Comstock, reference thereto  
had not more fully appear.

And on the 7<sup>th</sup> of November 1871 I proceeded to take the  
depositions of James. Miles, and it appears that John  
M. Bailey paid the note which was given for the Snodgrass  
Judgments, and it further appears, that the said Eliza  
Smith appropriated the proceeds to his own use agreeable to  
said depositions.

I then proceeded to take the depositions of Martin. S.  
Richmond, and it appears by said depositions that John  
M. Bailey's note which was given for the Lange Richmond  
Judgments has not been paid.

Your Commissioner will refer your Honor to the original  
return of Eliza Smith filed with the papers, it is unnecessary  
for your Commissioner to express any opinion in regard to the  
merits of the case.

All of which is respectfully submitted

Respectfully,  
Carrington \$3.00 2/3 fees

Samuel. Fildes Special  
Commissioner

Report  
With 3 Depositions  
William L. Hutton Admr  
of  
John & Andrew Calhoun  

---

By Saml. H. Phil & Special  
Commissioners  

---

1871. Nov 28th Filed.  
J. W. Orr. Clerk.

Fee filed \$3.00



Creditors Account  
as

Wm L. Huntington  
of Edward Callahan  
dec<sup>r</sup>.

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1 volume folio  
(7) 1/2 (16) —

Date of Tr. Tr.	Names of Parties	Date of Judg- ment	Name of Justice giving judgment	Amount of Judgment	When returned to Clerk's office	Kind of Process	To whom Delivered	Officers Return	Where Returnable
	Edward Snodgrass vs Gabriel Jackson & Edmund Callahan	Feb 16th 1861.	D. C. McNeil	Judgt for \$39.32 the penalty of the bond, but to be discharged by the payment of \$15.16 within 30 days from Nov 22nd 1860 till paid & the costs, least .60 both 50. less \$15.16 15th 1861 by cash \$10.00	June 1st 1871.				
	Lane & Richmond vs Gabriel Jackson Edmund Callahan	Feb 16th 1861.	D. C. McNeil	Judgt for \$24.92 the penalty of the bond, but to be discharged by the payment of \$12.46 within 30 days from Nov 22nd 1860, till paid & the costs; least .60, both 50.	June 1st 1871.				

Copies

Teste James H. Orr, Clerk.



Edward Snodgrass et al

vs <sup>3</sup> Copy Judgt Docket

Gabriel Jackson et al

Ex (Ex 5)

for copies (40 cts)

Feb 25-7

One day after I had signed  
it to say H. Weyler, I was lucky. The same  
and I was five and for I was  
of them as with my hand and a  
this 15th day of March 1861

Do!

Wm. H. Weyler

p. H. Cullum



11/12/3

10 Dec. 1933

11/12/3

11/12/3

by the fifteenth of month next  
of land me self to pay silas wolf

twentieth five bushels of corn for value  
received of him this the twenty sixth  
day of december as witness my hand

and Seal

E. Susan Callahan

Credit by E. Callahan

seven bushels of corn

Credit by Susan Callahan

eighteen dollars

march 11 1864



Take the powders in the blue paper  
in Syrup or molasses as soon as The chill  
leaves you to day. If that does not move  
the bowels in 4 or 5 hours Take enough  
oil to operate - As soon as your bowels  
have been moved commence taking The  
medicine in The vial ~~Take it all at 3~~  
doses (Taking one ~~third~~ of it at a time) and  
let The time between each dose be 3 hours  
It would be well enough to make a poultice of  
ground mustard seed and lay it on The pit  
of the Stomach and let it remain till the skin  
becomes red.

W. W. G. W.

Edward W Callham in account with Susan  
 Callham in 1861 March 7 two pr of summer pants 2.50  
 March do. 2 shirts 2.00 Oct 2 pr Lang pants & one coat 8.50  
 1862 At washing & mending twelve months 9.00  
 April 2 two pr summer pants & 2 shirts 4.00  
 Oct 2 two pr of Lang pants 3.50  
 1863 January At one Langs coat - - - - 3.00  
 At twelve months washing & mending 9.00  
 39.50

June the 20th 1871

I do certify that I have known \_\_\_\_\_  
 \_\_\_\_\_ and I saw him was \_\_\_\_\_  
 it was added into a coat and I saw a  
 \_\_\_\_\_ with \_\_\_\_\_ and it was  
 my understanding that the same was washing  
 and mending  
 Pinky King  
 Wash

June the 20th 1871

I do certify that I saw \_\_\_\_\_  
 \_\_\_\_\_ make in \_\_\_\_\_  
 \_\_\_\_\_ and saw him  
 were the same and \_\_\_\_\_  
 to \_\_\_\_\_  
 Sarah J. Callham  
 wife

At \_\_\_\_\_ Lee County to wit  
 the day \_\_\_\_\_ before the \_\_\_\_\_  
 \_\_\_\_\_ of the \_\_\_\_\_ as said  
 \_\_\_\_\_ and Pinky King & \_\_\_\_\_  
 and made oath in due \_\_\_\_\_  
 that the above certificate contained  
 truth given under my hand this \_\_\_\_\_  
 of June 1871  
 \_\_\_\_\_



I hereby certify that Susan Galerhorn made oath  
to the truth of the within account given under  
my hand this 12<sup>th</sup> day of April 18.70.

Loring R. Tyler J. P.

12

(4)

Mrs. J. Hutton Admr. & Co. Plff. }  
Against } Commissioners report  
John & Andrew Callihan & others Defts. }

To the Honorable Henry J. Morgan Judge of the  
County Court of Lee County.

Pursuant to a decree of the County Court of  
Lee County made and entered in the above styled Cause  
at the December Term thereof 1872 the undersigned  
as Commissioner appointed by said decree of Court  
has executed a Conveyance of the reversionary in-  
terest of Edward Callihan deceased in the lands  
of Ezekiel Callihan deed to <sup>Speak & the</sup>  
~~the~~ said deed is herewith filed with this report and <sup>at</sup>  
the request and direction of John Speak the  
purchaser thereof and respectfully suggest that  
said Conveyance be directed to be acknowledged  
and delivered for record. All of which is  
heroby respectfully Submitted.

David Miller  
Special Commissioner



Mr. J. Hutton admr. &c.

vs. <sup>3</sup> Comms.  
<sup>3</sup> Report.

John & Andrew Callahan  
& others

---

1873 January 3rd. Filed.  
James W. Carr. Clerk.

To the Honorable Henry C. Morgan Judge of the County  
Court of Lee County:

Pursuant to a decree of the County Court of  
Lee County made and entered at the <sup>September</sup> ~~June~~ term thereof  
1871 and another Decree of said Court entered at the Dec.  
term 1871 in the Cause in Chancery of Mrs. Hollow versus  
H.C. against John and Andrew Calliham & others pending in  
said Court the undersigned a Special Commissioner ap-  
pointed by said Decrees for the purpose and advertising  
the time terms and place as required by said Decrees  
proceeded to the front door of Lee Court House on the 3rd  
Monday in February 1872 to sell the reversionary interest  
of the real estate of Edward Calliham deceased it being  
his undivided interest in the lands once owned by his father  
Ezekiel Calliham Sr. deceased lying and being on the waters  
of Hardy's Creek and Trading Creek in Lee County Virginia  
and it being the same land decreed to be sold by said Decrees  
and John Speak being the highest bidder bid the same  
off for the sum of Two hundred dollars to be paid  
in three annual payments with interest from date after  
paying out of said \$200.00 an amount sufficient to  
pay the costs of the suit and expenses of sale in cash.  
And the said John Speak having complied with the terms  
of the sale by paying said costs towards the costs of  
the suit and expenses of sale <sup>and</sup> leaving a small balance  
of the costs due which I am to ask him for out of  
my part of said costs and it appearing to me that  
the said John Speak and Susan Speak his wife are the  
owners of the entire claims against said estate by purchase  
or otherwise I did not deem it necessary to require of  
him any bonds for the return of the purchase money and  
therefore your Commissioner suggests that a deed of con-  
veyance be decreed to John Speak the purchaser  
or to such person as he may direct and that said



deed be admitted to record and the cause stricken  
from the docket.

David Miller

Special Commr.

And in accordance with the suggestion contained in  
this report your Commissioner herewith does with this  
report so deed executed by him to speak as  
directed by the purchaser John Speake.

David Miller

Special Commr.

Approved  
John T. Adams

1872  
Comptroller of Sales

John D. Anderson  
and others

Filed March 15th 1872

James W. Orr, Clerk.

# Notice Land For Sale.

Pursuant to a decree of the County Court of Lee County Virginia made and entered in the Cause in Chancery of William J. Hutton Admr. &c. ~~and others~~ against John and Andrew Calliham & others I as Commissioner appointed by said decree will proceed on the first day of the November County Court 1872 at the front door of Lee Court House in Jonesville Va. to sell at public outcry to the highest bidder the reversionary interest of Edward Calliham deceased in the real estate of Ezekiel Calliham Sr. deceased or a sufficiency thereof to pay the costs of this suit and expenses of Sale and the debts against the estate of Edward Calliham deceased.

I will require the costs of this suit and expenses of Sale to be paid in cash and for the balance I will take Bonds with good Security payable in one two and three years with interest from date

David Miller  
Special Commissioner



Please Post this on you  
Glorie Dear & oblige yourself,  
S. Miller.

William J. Hutton  
admt. & C.

vs. { Extract from  
land assessment  
of 1871.  
John & Andrew  
Callahan & others



Cal. inams Mary - Lee - In fee -	150 acres -	Trading Creek -	W. 7 miles -	\$ 3.00 per acre -	\$ 450.00
Same	100 "	"	"	3.00 " "	300.00
Same	115 "	"	"	3.00 " "	345.00

An extract from the last assessment of lands  
in Lee County This March 18th 1872.

Teste. James W. Orr, Clerk.

*[Faint handwritten notes, possibly bleed-through from the reverse side.]*

Samuel Field

{ Receipt for  
to { \$13.40

David Miller Comr.



Lancaster Co. Pa.

Nov 23<sup>rd</sup> 1871

The Estate of John Andrew Callahan  
To Samuel Field Special Commissioner &  
To Thomas Latona depositions and report - \$3.00  
12 hours making out and preparing <sup>report</sup> \$754 per hour 9.00  
12.00

Saml. Field  
Special Comr

of

\$12.00

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Andrew Callahan, & John Callahan*  
*and the creditors of Edward Callahan Deceased, John Speake*  
*Susie's speak his wife..*

to appear before the Judge of our County Court, for Lee County, at the Court-House in the Clerk's  
Office, at Rules to be holden for said Court, on the first Monday in *February* next,  
to answer a bill in Chancery, exhibited in our said Court, against *them* by *William J*  
*Hutton Adm'r of the Estate of Edward Callahan Deceased.*

And have then there this writ. Witness, <sup>*James*</sup> ~~JOHN~~ W. ORR, Clerk of our said Court, at the  
Court-House, this *30th* day of *January* 1871, in the *95th*<sup>*year*</sup> of the  
Commonwealth.

*James W Orr.* Clerk.



Virginia Lee County to wit:

This day William Hutton personally appeared before me the undersigned a justice of the peace in and for Lee County Virginia and made oath that some time about the 1st day of February 1871 he sent his son Maileu to the Jft. John Callahan with a copy of the writ in the within cause and he the said Maileu came back to him with the summons on which the said John Callahan had, endorsed his acceptance of the service of the same and which copy is lost or mislaid and the said affiant makes this affidavit to supply the loss of the same which he returned to the County Court clerk at February rules 1871. Given under my hand this the 7th day of April 1871.

Samuel Hall J.P.

William J. Hutton, Clerk

vs J. Lee in Chy

Andrew Callahan et al.

February Rules 1871

February 1st 1871.

Executed on Andrew Callahan by delivering to him an attested office copy of the within writ.

Thos. J. Brown, D.S.

for G. E. Hutton, D.C.

John Callahan not found

Thos. J. Brown, D.S.

This February 1st 1871.

We acknowledge the legal service of the within writ.

John Hutton

Thos. J. Brown

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING;

WE COMMAND YOU TO SUMMON *Andrew Callahan, & John Callahan,*  
and the Creditors of *Edward Callahan Deceased & John Speak,*  
*Bessie Speak, his wife, Rachael Speak, William Hutton, & Sarah M.*  
*Hutton his wife, Stephen Mallock, & Jane Mallock his wife,*  
*Waymond Myrick, Ellen Myrick, & Ezekiel Myrick, infant-heirs of*  
*Eliza Myrick Deceased, and William Hutton Guardian of the said*  
*Waymond, Ellen, & Ezekiel Myrick.*

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's  
Office, at Rules to be holden for said Court, on the first Monday in *May* next,  
to answer a bill in Chancery, exhibited in our said Court, against *them* by *William J.*  
*Hutton Adm. of the Estate of Edward Callahan Deceased*

And have then there this writ. Witness, *James*  
Court-House, this *7th* day of *April* *JOHN W. ORR*, Clerk of our said Court, at the  
Commonwealth. 1871, in the *75th* year of the

*James W. Orr.* Clerk.



In

us I. S. in Ch. ang.

Andrew Callahan &c.

May Rules 1871.

Executed on Stephen

Mallock and Jane  
Mallock by delivering  
to them an attested  
copy of the within writ.

Thos. J. Brainerd Ad.  
J. B. L. Hamblin 826.

We the undersigned parties defendant in the within  
summons do hereby accept the service of the same and do  
hereby waive the proceedings at rules in this cause, this  
the 6<sup>th</sup> day of April 1871, William J. Fulton

William J. Stultson

William A. Hutton, Agent,  
for Wm. Allen and ~~sons~~ <sup>Associates</sup> ~~Wm. Allen~~  
Wm. Allen & Sons }  
Allen Wyck } by  
Speckell Wyck }  
J. M. A. Hutton their Guardian